

R E M A R K S

Claims 1-12 are pending in this application. In the office action mailed July 25, 2003, the claims were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,915,031 (Hanright) (office action, page 2). The claims have been amended and reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-12 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,915,031 (Hanright). The applicant submits that the claims are not anticipated by Hanright as the reference fails to disclose all of the claimed elements. With regard to the independent claims 1, 5, and 9, the reference does not disclose, teach, or suggest:

"an electrical programming contact assembly partially affixed to the faceplate"
(claim 1); or

"an electrical programming contact assembly ... partially affixed to the faceplate"
(claim 5); or

"an electrical programming contact ... partially affixed to the faceplate" (claim 9).

The three programming electrodes 44 in Hanright are not affixed to the faceplate 20. Rather, the programming electrodes 44 are on the distal end 42 of a multi-electrode strip 32. Column 4, line 20.

Further, dependent claims 3, 7, and 11 (and claims 4, 8, and ^{11/2}~~9~~ dependent thereon, respectively) recite "an interconnection portion ... at least partially embedded in the faceplate." Nowhere in Hanright is there a disclosure, teaching, or suggestion of such a structure.

To sustain a rejection based on anticipation under 35 U.S.C. § 102, "the reference must teach every element of the claim." M.P.E.P. § 2131 (8th ed., rev. 1, February 2003), page 2100-70. The M.P.E.P. goes on to state "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Because Hanright does not disclose, teach, or suggest an electrical programming contact assembly, or an electrical contact, partially affixed to the faceplate, it does not anticipate the independent claims (1, 5, and 9). Similarly, Hanright does not anticipate the partially embedded interconnection section of claims 3, 4, 7, 8, 11, and 12. Nor would Hanright render the claimed combinations obvious and there is no teaching or suggestion to modify Hanright to achieve the claimed structure. 35 U.S.C. § 103; M.P.E.P. § 2143.03 (8th ed., rev. 1, February 2003), p. 2100-128 ("[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art"), citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) [emphasis in original]. As the independent claims 1, 5, and 9 are allowable, claims 2, 6, and 10 dependent thereon are likewise allowable.

New claims 13-18 concern the structure described on page 4, lines 3-7, of the specification and illustrated in Figures 1 and 5. Therefore, the claims are directed to matter submitted as part of the original disclosure.

Conclusion

The applicant believes that it has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully

requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned if there are any questions concerning the application.

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Respectfully submitted,



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